

TJM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Moises VALVERDE-Garcia,

Defendant

Magistrate Docket No.

'08 MJ 1314

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 25, 2008** within the Southern District of California, defendant, **Moises VALVERDE-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent
SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF APRIL 2008.


 Nita L. Stormes
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Moises VALVERDE Garcia

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On April 25, 2008, Border Patrol Agent E. Cortez was conducting line watch operations near Otay Mesa, California. Agent Cortez is currently assigned to the Brown Field Border Patrol Station and was performing line watch duties in full rough duty uniform. Agent Cortez responded to a seismic sensor activation in the vicinity of Jamul, California. This area is approximately 8 miles north of the United of the United States/Mexico International Boundary and approximately 12 miles east of the Otay Mesa Port of Entry. Undocumented aliens attempting to further their illegal entry into the United States commonly use this area. Agent Cortez approached five individuals and identified himself as a United States Border Patrol Agent in both English and Spanish languages. Agent Cortez questioned the individuals as to their immigration status. All persons in the group admitted to being citizens and nationals of Mexico. One individual, later identified as **Moises VALVERDE-Garcia**, stated that he was a citizen and national of Mexico and was not in possession of proper immigration documents that would allow him to be in or remain in the United States legally. All individuals including the defendant were placed under arrest at approximately 1:30 pm and transported to the Brown Field Border Patrol Station for processing.

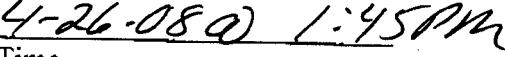
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 24, 2006 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on April 26, 2008 at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 25, 2008 in violation of Title 8, United States Code, Section 1326.


Nita L. Stornes
United States Magistrate Judge


Date/Time